

# EXHIBIT 5

### Schedule of Claims and Litigation

#### I. Improper Redemption Cases

##### A. Litigation Going Forward

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Bombardier Trust (Canada)	07-1212	Fraudulent Conveyance, Unjust Enrichment and Conversion claims related to an Improper Redemption.	\$1,210,483	Litigation is going forward. Motion for Jurisdictional Discovery pending.
Fondation J. Armand Bombardier	07-1217	Fraudulent Conveyance, Unjust Enrichment and Conversion claims related to an Improper Redemption.	\$228,297	Litigation is going forward. Motion for Jurisdictional Discovery pending.
Schwab, Walter	06-7770	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$626,074	Litigation is going forward. Parties presently engaged in settlement negotiations.
Shpiz, Leo	06-5564	Fraudulent Conveyance, Unjust Enrichment and Conversion claims related to an Improper Redemption.	\$208,245	Litigation is going forward.

##### B. Redemption Cases Settled and Subject to Court Approval

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Alderman, Stephen	07-4833	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$500,000	Settled for \$50,000,* subject to Court approval. Motion seeking approval filed on December 14, 2007.
Ash, Joel	07-4832	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$500,000	Settled for \$50,000,* subject to Court approval. Motion seeking approval filed on December 14, 2007.
Darland, Michael and Myrna	N/A	Fraudulent Conveyance, Unjust Enrichment and Conversion claims related to an Improper Redemption.	\$419,970	Settled for \$157,500, subject to Court approval. Motion seeking approval to be

\* The settled amount is more than the Receiver's calculation of the constructive fraudulent transfer claims against Ash and Alderman and less than the recoverable amount if he was successful on his actual intent fraudulent transfer claims against them.

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
				filed with the Court.
Fondation Lucie et Andre Chagnon	08-2390	Fraudulent Conveyance, Unjust Enrichment and Conversion claims related to an Improper Redemption.	\$3,003,345	Case settled by Receiver for \$1,125,000. The settlement was rejected by the Court and is presently subject to a pending Motion for Reconsideration. Pursuant to this Court's order, the Receiver filed his Complaint against the Defendant on March 7, 2008.
Newman, Melvin	06-5567	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$252,447	Settled for \$39,000, subject to Court approval. Motion seeking approval to be filed with the Court.
Porter, Jim	06-5566	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$96,000	Settled for \$12,000, subject to Court approval. Motion seeking approval to be filed with the Court.
Wharton, Richard	06-5565	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$326,974	Settled for \$49,000, subject to Court approval. Motion seeking approval to be filed with the Court.

### C. Redemption Cases Settled / Cases to be Closed

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Campbell Investment Partnership	06-5563	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$118,881	Settled for \$35,000. Settlement approved by the Court and paid in full by the Defendant.
Fortunoff, Robert	07-1214	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$148,460	Settled for \$72,000. Settlement approved by the Court and paid in full by the Defendant.

Griffin, Robert G.	07-1216	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$127,608	Settled for \$125,000. Settlement approved by the Court and paid in full by the Defendant.
M. Kingdon Offshore, Ltd.	07-1215	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$48,700	Settled for \$22,000. Settlement approved by the Court and paid in full by the Defendant.
Sojecci Ltee	07-1211	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$650,435	Settled for \$225,000. Settlement approved by the Court and paid in full by the Defendant.
Twining, Dennis	07-1213	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to an Improper Redemption.	\$134,217	Settled for \$21,000. Settlement approved by the Court and paid in full by the Defendant.

## II. Other Open / Cases Litigation

### A. Ongoing Other Litigation

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Ballew, Douglas	07-1001	Breach of Fiduciary Duty, Common Law Fraud, Civil Conspiracy, Fraudulent Transfer, Conversion and Unjust Enrichment claims	\$35,000,000	Litigation is going forward. Defendant has asserted his 5 <sup>th</sup> Amendment privilege in his Answer. Unclear what assets there are to collect.
Bloomberg L.P., Bloomberg, Inc., Bloomberg Integration Services, LLC	07-1208	Fraudulent Transfer, Conversion and Unjust Enrichment claims related to certain improper transfers..	\$180,958.57	Litigation is going forward.
Franklin's Kite Holdings	N/A	Preference claim.	\$100,000	Litigation is going forward. Settlement negotiations are ongoing. Defendant has filed a claim against the Receivership Estate in

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
				the amount of \$416,750.
Kelley, Kevin	07-1001	Breach of Fiduciary Duty, Common Law Fraud, Civil Conspiracy, Fraudulent Transfer, Breach of Contract, Conversion and Unjust Enrichment and Equitable Subordination Claims.	\$35,000,000	Defendant presently is incarcerated. Litigation is going forward, but likelihood of collection is thought to be difficult.
Saldutti, Francis	07-1001	Breach of Fiduciary Duty, Common Law Fraud, Civil Conspiracy, Fraudulent Transfer, Breach of Contract, Conversion and Unjust Enrichment and Equitable Subordination claims.	\$35,000,000	Litigation is going forward. Motion for Partial Summary Judgment has been filed with the Court and is pending.
	05-2192	Civil Contempt	\$106,213.51	Order of Civil Contempt entered on June 14, 2006. Defendant ordered to pay Receivership Estate legal fees and costs in the amount of \$106,213.51. Collection on this judgment is thought to be difficult.

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Wildeman, Robert	07-1001	Breach of Fiduciary Duty, Common Law Fraud, Civil Conspiracy, Fraudulent Transfer, Breach of Contract, Conversion and Unjust Enrichment and Equitable Subordination claims.	\$35,000,000	Settled on a collectability basis for (a) \$35,000 cash; (b) proceeds of sale of vacation home, (c) percentage of annual earnings over a three year period and (d) other consideration. Motion to approve settlement filed by the Receiver on October 22, 2007. Litigation is going forward considering Court's instruction that matter will be tried.
	05-2192	Civil Contempt	\$106,213.51	Order of Civil Contempt entered on June 14, 2006. Defendant ordered to pay Receivership Estate legal fees and costs in the amount of \$106,213.51. Defendant and Receiver attempted to settle contempt judgment in connection with Case No.07-1001. Motion to approve settlement filed by the Receiver on October 22, 2007. Collection efforts will go forward considering Court's instruction that Case No. 07-1001 will be tried.

**B. Other Litigation - Settled and Subject to Court Approval**

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Goldstein Golub Kessler LLP	N/A	Accountant Malpractice and related claims.	N/A	Agreement to settle for \$75,000, subject to execution of settlement agreement and Court approval.
RSM McGladrey Inc. (f/k/a American Express Tax and Business Services)	N/A	Accountant Malpractice and related claims.	N/A	Agreement to settle for \$25,000, subject to execution of settlement agreement and Court approval.
Universal Genesis Strategic Holdings, Inc. and Singularity LLC	06-5024	Fraudulent Transfer claims related to certain improper transfers.	\$100,627.35	Settled for \$7,500, subject to Court approval.

**C. Other Litigation - Judgments Entered and Collection Efforts Ongoing**

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Bridge Banc, LLC	05-5614	Breach of Contract, Unjust Enrichment and Promissory Estoppel claims related to unpaid obligations under a Note.	\$1,000,000	Judgment Entered. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible. Principal is incarcerated and awaiting trial and business entity has folded.
Janiak, Randall J. and The Randall J. Janiak Trust	05-8557	Breach of Contract, Unjust Enrichment and Promissory Estoppel claims related to unpaid obligations under a Note.	\$100,000	Judgment Entered. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible.
Schwartz, David E.	05-9563	Breach of Contract, Fradululent Transfer, Unjust Enrichment and Promissory Estoppel claims related to the recovery of certain improper transfers.	\$202,969.26	Judgment Entered. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible.

Defendant	Case No.	Nature of Claim	Amount at Issue	Comments
Taylor, Brian J.	05-4538	Breach of Contract, Unjust Enrichment and Promissory Estoppel claims related to an unpaid note.	\$631,261.80	Judgment Entered. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible.
	05-2192	Civil Contempt	\$353,277.04	Civil Contempt judgment entered on November 15, 2005. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible.
The Ralph B. Langer and Barbara D. Langer Trust	05-8558	Breach of Contract, Unjust Enrichment and Promissory Estoppel claims related to an unpaid note.	\$40,000	Judgment Entered. Receiver has attempted to collect on judgment. Judgment appears to be uncollectible.